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*Attorney for Defendants, JRM Nutrasciences, LLC,
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

<p>KODIAK CAKES, LLC, a Utah Limited Liability Company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>JRM NUTRASCIENCES, LLC, a New York Limited Liability Corporation; MUSCLE SPORTS PRODUCTS, LLC, a New York Limited Liability Corporation; and JASON MANCUSO, an individual;</p> <p>Defendants.</p>	<p>Case No.: 2:20-CV-0000581-DBB-JCB</p> <p>Judge: David Barlow</p> <p>Magistrate Judge Jared C. Bennett</p> <p>DECLARATION OF JEREMY SINK IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' OVERLENGTH MOTION TO EXCLUDE THE EXPERT TESTIMONY OF DAVID FRANKLYN</p>
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Jeremy Sink, under penalty of criminal perjury, states as follows:

1. I am one of the attorneys of record in the above-entitled matter and as such have personal knowledge of the facts contained herein.

2. I am a member in good standing with the Utah State Bar and have been since 2003.

3. I am the attorney who drafted and filed the *Defendants' Motion to Exclude the Expert Testimony of David Franklyn* (hereinafter "Daubert Motion")(ECF No. 85).

4. Prior to filing the Daubert Motion I did not review the local rules.

5. I filed the Daubert Motion believing that I needed the argument section to be under 25 pages and believed I was well under that restriction.

6. My erroneous belief that I was under the 25 page guideline, and in an effort to assist the court, is why I included five pages of direct quotes from Mr. Franklyn's testimony in the argument section. These quotes are already included in the Daubert Motion in the fact section, but were again included in the argument section so that the court didn't need to turn back and re-read testimony. A copy of the Argument section of the Daubert Motion with the quotes redlined is attached hereto as Exhibit 1. A copy of the Argument section with the quotes removed is attached hereto as Exhibit 2 to show that the Argument section is only 11 pages after removing those quotes.

DATED this 14th day of July, 2022.

/s/ Jeremy Sink

Jeremy Sink

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July, 2022, I caused a true and correct copy of the foregoing to be filed electronically with the Court, which caused service on all counsel of record in this matter via the court's ECF system.

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